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Plugging the holes

Reagan administration gets aggressive in trying to find information leakers; fires two, threatens the media with criminal prosecution

By James E. Roper

The Reagan administration's campaign against leaks of classified information is beginning to bite.

In less than a month, the administration has fired two mid-level officials for giving out classified information, threatened the *Washington Post* and four other publications, and asked the Justice Department to consider criminal prosecution of NBC.

Said White House spokesman Larry Speakes: "The position of the White House is that anyone who violates the law should be prosecuted, whether it be a publication or whether it would be a member of the administration that is leaking classified information."

The case of NBC was referred to the Justice Department by Director William J. Casey of the Central Intelligence Agency. He acted within hours after the NBC Today program reported that Ronald W. Pelton, now on trial in Baltimore as an alleged Soviet spy, had told the Soviets about "a project with the code name Ivy Bells — believed to be a top-secret eavesdropping program by American submarines inside Soviet harbors."

In asking the Justice Department to consider criminal prosecution of NBC, Casey cited a 1950 statute that prohibits anyone from knowingly and willingly disclosing classified information about American communications intelligence. The Justice Department will decide whether to pursue the case. A prosecution would be the first under the 36-year-old law.

Before the NBC broadcast, the administration had given numerous indications that it was serious about prosecuting leaks, especially any concerning the techniques or effectiveness of United States use of communications in gathering intelligence.

Casey had personally warned Washington Post executive editor Benjamin C. Bradlee and managing editor Leonard Downie Jr. not to publish a story the paper was preparing about the Pelton case.

"I'm not threatening you," Casey told the editors in a face-to-face meeting, "but you've got to know that if you publish this, I would recommend that you be prosecuted under the intelligence statute."

Casey said he had conferred with Deputy Attorney General D. Lowell Jensen about prosecuting "absolutely cold violations" in stories already published — not only by the Post, but also by the *New York Times*, *Washington Times*, *Newsweek* magazine and *Time* magazine.

Casey apparently did not ask formally for prosecutions in these already-published stories, but his disclosure of its attitude appeared to be at least a warning against further sensitive stories about communications intelligence.

The Washington Post decided to hold up, at least temporarily, the proposed story that brought Casey's threat of prosecution.

The Post finally ran the story on May 21, 17 days after it was originally scheduled to appear in the paper. Deleted from the story was information deemed by the Reagan administration to be damaging to national security.

The Post reported that following Casey's meeting with the newspaper's editors, President Reagan, on May 10, telephoned Post Co. chairman Katharine Graham to urge that the newspaper not publish the article.

Post editor Bradlee was quoted in his newspaper's story as stating he continues to believe that the paper's original story would have revealed nothing that was not already known to the Soviet Union.

Bradlee added that the Post decided to eliminate from the story the description of technology Pelton is alleged to have betrayed because of concerns of the newspaper's lawyers.

The government officials who were fired for leaking classified information were Spencer C. Warren, a member of the State Department's policy planning staff; and Michael E. Pillsbury, an assistant undersecretary of defense.

Warren was blamed for telling the Washington Post and Washington Times about a cable from the U.S. Ambassador in Argentina complaining that visiting congressmen had pressed Argentine officials to condemn U.S. policy in Central America. Pillsbury was accused of leaking information about the shipment of stinger aircraft missiles to rebels in Angola and Afghanistan.

On the dismissal of Warren, State Department spokesman Charles E. Redman said: "We regret that because of this transgression the department is losing an otherwise productive and trustworthy employee, but we believe that leaking of classified information is a serious breach of the discipline required of all public servants. It is essential that the public be informed concerning the activities of its government.

"However, we must also recognize that the national interest often requires that information concerning the national defense and foreign relations be protected against unauthorized disclosure.

"Officials who leak do not serve the larger national interest by disclosing information, but instead may well be undermining the process of making foreign policy and protecting our national defense."

At the White House before the NBC incident arose, spokesman Speakes resisted reporters' efforts to suggest that some of the material that aroused Casey had been alluded to by Reagan before the newspapers published it. He said the president had not violated the bar against indicating how the United States gathers communications intelligence.

"The White House position," he said "is that if a violation has occurred or will occur and the (CIA) director makes a recommendation to the Justice Department, this would be a matter of prosecutorial discretion, which means the Justice Department would decide whether to prosecute or not.

"Generally, decisions about prosecutions are made by the experts at the Justice Department based on the evidence and the criteria for whether they would have successful prosecution. The position of the White House is that anyone who violates the law should be prosecuted, whether it be a publication or whether it would be a member of the administration that is leaking classified information . . . .A gentleman at the Defense Department ended his service there rather promptly three of four days ago."

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